

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Kate, et al.

Plaintiffs,

vs.

de Blasio, et al.

Defendants.

DECLARATION OF
STEPHANIE DICAPUA

Civil Action No. 1:21-cv-07863

STATE OF

)

) ss.:

COUNTY OF

)

STEPHANIE DI CAPUA, declares under penalty of perjury, pursuant to 28 U.S.C.

§ 1746, that the following is true:

1. I am one of the plaintiffs in this case.
2. I have sincerely held religious beliefs that do not allow me to take a COVID-19 vaccine.
3. On September 13, 2021, I submitted my religious exemption letter and a letter from a "religious official" (pastor), as requested by the DOE, through the SOLAS system (the day the portal opened for exemptions).
4. My application met all the criteria- My personal religious exemption letter detailing my sincerely held religious beliefs that would not allow me to take vaccines, as well as a letter for religious exemption documented in writing, from my pastor verifying my beliefs against vaccinations.

5. On September 17, 2021, I received an autogenerated message, the same ones reported by my co-plaintiffs, that stated that I was denied because it is an undue burden to have to accommodate my religious exemption since the DOE mandate still requires that I would have to be banned from entering any school building if accepted.
6. I appealed the initial denial immediately and submitted an appeal through the SOLAS system, later that same night of September 17th, 2021.
7. I was not allowed to do a zoom appeal hearing. Instead, on September 24, 2021, I received a notification that I was “DENIED.” Both the area to write in the details of the zoom appeal meeting and the reason for denial were blank. I attach a true and accurate copy of my denial to this email as **EXHIBIT A.**
8. I then received a message stating that I was being placed on leave without pay (LWOP) “because you are not in compliance with DOE’s covid-19 vaccine mandate. If you are a substitute or in certain titles you have been placed in another inactive status, not on LWOP. **This means you must not return to your work or school site beginning Monday, October 4th.**”
9. As the notification says, “when you are on leave without pay, you: cannot work and will not receive compensation, but you will continue your medical benefits; cannot use annual leave, CAR or sick time” and cannot enter any buildings or speak with any students or families.
10. When I try to look at my options in SOLAS, I am provided with a message that says “we see that you have been placed on an unpaid leave due to noncompliance

with the DOE's vaccine mandate. What would you like to do?" The options provided are:

- "Return to work within seven days" [my understanding is this option requires vaccination]
- "Resign with special provisions and retire"
- "Resign with special provisions"
- "Resign"
- "Retire"

11. These are my only options.

12. I do not consent to voluntarily "resign." I do not consent to stay on "unpaid leave" and not even be able to use my accrued sick time, vacation or other pay, or to collect unemployment since I was terminated against my will for my religious beliefs.



STEPHANIE DI CAPUA